

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**v.**

**ABDUR RAHIM ISLAM  
SHAHIED DAWAN  
KENYATTA JOHNSON  
DAWN CHAVOUS**

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**CRIMINAL NO. 20-45**

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**ORDER**

This 14<sup>th</sup> day of October, 2022, for the reasons that follow, Defendant Johnson's oral motion, as supported by ECF 386, to resume cross-examination of the case agent with further questions about prior inconsistent testimony is **DENIED**. The subject of the questioning – the use of surveillance during the investigation – is of dubious relevance, and there is some weight to the Government's argument that this line of questioning is meant to garner sympathy for the Defendant or improperly attack a lawful investigative technique. Although the credibility of the agent is properly challenged, the inconsistency here is peripheral, and having the witness explain the inconsistency invites further testimony prejudicial to Defendant Johnson.<sup>1</sup> The jury has been properly instructed and the witness appropriately admonished. To revisit the issue, particularly following a long recess because of COVID-19, would not facilitate but rather undermine the goal of a fair trial.

/s/ Gerald Austin McHugh  
United States District Judge

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<sup>1</sup> I have considered but rejected the defense contention that the witness should be limited in his ability to explain the inconstancy.